

ENTERED

July 03, 2023

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

ANTHONY CARMONA,

Plaintiff,

VS.

**STEVEN FORREST, FREER TRUCKING, \$
INC., ALTUS HOUSTON HOSPITAL, \$
IMPERIAL SURGERY CENTER and \$
INTERNATIONAL CENTER FOR \$
NEUROSCIENCE, \$**

Defendants.

٢٠٢٠

Civil Case No. 4:20-CV-03922

**ORDER ACCEPTING FINDINGS, CONCLUSIONS, AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

Pending before the Court is the June 15, 2023 Memorandum and Recommendation (“M&R”) prepared by Magistrate Judge Peter Bray. (Dkt. No. 86). Judge Bray made findings and conclusions and recommended that Defendants’ No-Evidence Motion for Partial Summary Judgment on Plaintiff’s Claims Related to Complex Medical Conditions, (Dkt. No. 43), be granted. (Dkt. No. 86).

The Parties were provided proper notice and the opportunity to object to the M&R. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). On June 29, 2023, Plaintiff filed two objections to Magistrate Judge Bray’s recommendation that Defendants’ No-Evidence Motion for Partial Summary Judgment on Plaintiff’s Claims Related to Complex Medical Conditions be granted. (Dkt. No. 87 at 2). First, Plaintiff objects to Judge Bray’s analysis of Plaintiff’s expert causation evidence. (*Id.* at 3–7). Second, Plaintiff objects to Judge Bray’s application of the summary judgment standard. (*Id.* at 7–8).

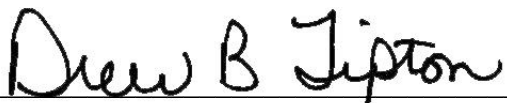
In accordance with 28 U.S.C. § 636(b)(1)(C), the Court is required to “make a de novo determination of those portions of the [magistrate judge’s] report or specified proposed findings or recommendations to which objection [has been] made.” After conducting this de novo review, the Court may “accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” *Id.*; see also Fed. R. Civ. P. 72(b)(3).

The Court has carefully considered de novo those portions of the M&R to which objection was made, and reviewed the remaining proposed findings, conclusions, and recommendations for plain error. Finding no error, the Court accepts the M&R and adopts it as the opinion of the Court. It is therefore ordered that:

- (1) Magistrate Judge Bray’s M&R, (Dkt. No. 86), is **ACCEPTED** and **ADOPTED** in its entirety as the holding of the Court; and
- (2) Defendants’ No-Evidence Motion for Partial Summary Judgment on Plaintiff’s Claims Related to Complex Medical Conditions, (Dkt. No. 43), is **GRANTED**.

It is SO ORDERED.

Signed on June 30, 2023.


DREW B. TIPTON
UNITED STATES DISTRICT JUDGE